



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

March 27, 2017

Billy E. Stivers SR.
Directing Business Representative
International Association of Machinists and Aerospace Workers, AFL-CIO
824 S 2nd St
Louisville, KY 40203-2210

Re: LEGGET & PLATT INC
Case 09-CA-191313

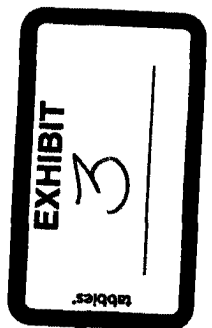
Dear Mr. Stivers:

We have carefully investigated and considered your charge that LEGGETT & PLATT INC. has violated the National Labor Relations Act.

Decision to Dismiss: Based on our investigation, I have concluded that further proceedings are not warranted, and I am dismissing your charge for the following reasons: The charge alleges that Leggett & Platt, Inc. (the Employer) violated Sections 8(a)(1) and (5) of the Act by circulating a petition during working time to decertify the International Association of Machinists and Aerospace Workers, AFL-CIO (the Union) as the collective-bargaining representative of the bargaining unit. The investigation does not disclose any evidence that the circulators of the petition to decertify the Union were acting on behalf of the Employer or that they received any unlawful support from the Employer. The charge also alleges that the Employer violated the Act by advising the Union on January 11, 2017 that it would not bargain a successor collective-bargaining agreement and would withdraw recognition of the Union effective upon the expiration of the collective-bargaining agreement. Under established Board law, an employer that has evidence of an incumbent union's actual loss of majority support may announce an anticipatory withdrawal of recognition within a reasonable time prior to contract expiration. *Burger Pits*, 273 NLRB 1001 (1984). Anticipatory withdrawals made as much as 90 days prior to the expiration of the contract have been found lawful by the Board and permit the employer to cease bargaining a successor contract. *Abbey Medical/Abbey Rents*, 264 NLRB 969 (1982). The investigation establishes that on January 11, 2017, when the Employer announced its intent to cease bargaining a successor contract and to withdraw recognition, the Employer had in its possession evidence demonstrating that the Union had lost the support of a majority of bargaining unit members.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the



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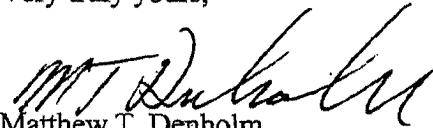
detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **April 10, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 9, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before April 10, 2017**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after April 10, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



Matthew T. Denholm
Acting Regional Director

cc: Ramon Garcia, Grand Lodge Rep. - International Association of Machinists and Aerospace Workers (IAM), AFL-CIO - 690 E Lamar Blvd, Ste 580 - Arlington, TX 76011-1711

Steven Day, HR Manager - Leggett & Platt Inc. - 101 New St - Winchester, KY 40391-2102

A. John Harper, Attorney at Law - Littler Mendelson, P.C. - 1031 McKinney Street, Suite 1900 Houston, TX 77002

Arthur T. Carter - Littler Mendelson, P.C. - 2001 Ross Avenue, Suite 1500 - Dallas, TX 75201-2931